

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 9, 2016
8:00 A.M.

The Cass County Joint Water Resource District met on June 9, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud; Attorneys for the Board; Lee Beauvais, Engineer for the Board; Bruce Spiller, John Albrecht and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Paul Breen and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Terry Williams, Corps of Engineers; Keith Berndt, Cass County Administrator; Nathan Boerboom, City of Fargo Division Engineer-Metro Flood Diversion; and Terry Sauvageau, Horace resident. Absent was Dan Jacobson, Southeast Cass Water Resource District.

Minutes

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the minutes of the May 25 and May 26, 2016 (four sets), meetings.

Agenda

It was moved by Manager Olson, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda, as amended.

Metro Flood Diversion Project – access update

Chris McShane and Joe Herbst updated the Board on access issues. Discussion was held on the *Right of Entry* and land acquisition process. Mr. Herbst stated access is still needed for boundary surveys on 18 properties for the north end of the Metro Flood Diversion Project channel.

It was moved by Manager Olson and seconded by Manager Gust to authorize AE2S to direct the assigned land agents to make contact with property owners for Rights of Entry to parcels along the north end of the Metro Flood Diversion Project channel and along the Maple River and Sheyenne River. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – relocation benefits

It was moved by Manager Lougheed and seconded by Manager Gust to approve the Relocation Payment for OIN #9641, as outlined in the letter dated June 6, 2016, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition

Discussion was held on the negotiation process for land acquisition regarding the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Entry and Construction Agreement* and to approve the execution of a *Purchase Agreement* for OIN #9215, #9216, #9217, #9218 and #9783 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds presented and reviewed the *Diversion Inlet Control Structure Land Acquisition Update*. On May 31, 2016, three separate eminent domain actions were filed seeking permanent right of way easements for OIN #1096, #1097 and #230, property necessary for the Metro Flood Diversion Project inlet structure. Negotiations are on-going with the those property owners, as well as with the owners of 12 other parcels necessary for the re-alignment of Cass County Highways 16 and 17 near the inlet control structure. The Diversion Authority intends to open bids this fall.

Terry Sauvageau expressed his dissatisfaction with the land acquisition process.

Mr. Dodds presented and reviewed the *Land Management Summary*. There are 16 homes under construction in Oxbow, North Dakota. Nine homes have been completed and eleven owners have chosen to relocate outside of Oxbow.

The draft *Offer Presentation and Negotiation Process* was reviewed by Mr. Dodds and will be used as a reference to refer property owners back to land agents to answer questions.

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Assignment of Purchase Agreement (Replacement of Clubhouse Lot)* for Lot 21 Block 3, Oxbow Second Addition to the City of Oxbow, Cass County, North Dakota to the Oxbow Job Development Authority. Upon roll call vote, the motion carried unanimously.

Discussion was held on mitigation of impacts and future operation of Water Resource District facilities relating to the Metro Flood Diversion Project.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – property management

Paul Breen gave an update on property management and demolition activities for the In Town Levees Project. Mr. Breen stated a proposal will be presented at a future meeting to move 10 houses within the City of Oxbow.

Metro Flood Diversion Project – project updates

Bruce Spiller stated Public-Private Partnership (P3) opportunities and the Corps of Engineers construction components were presented at Industry Day on June 7, 2016. The presentations are available to view on the website at FMDiversion.com.

Mr. Spiller said the *Project Partnership Agreement* (PPA) is tentatively scheduled to be signed by the Diversion Authority and the Corps of Engineers the week of July 11, 2016. He reviewed the *Procurement Timeline Overview* and provided detail on the Request for Proposals (RFP) and Request for Qualifications (RFQ) process that will take place upon signing of the PPA. The Board will consider a proposal from Moore Engineering, Inc. to serve as the Water Resource District technical representative on the engineering technical team to review the RFQ and a proposal from the attorney for the Water Resource Districts to review the RFQ.

Discussion was held on project costs and the importance of having adequate time to acquire property for the Metro Flood Diversion Project.

Terry Williams stated the Corps of Engineers has begun planning for the Wild Rice Control Structure and will share preliminary designs when they are available. Ms. Williams reported Colonel Koprowski will be leaving the St. Paul District for his next assignment on June 30th, and Colonel Samuel Calkins will be the new St. Paul District Commander for the Corps of Engineers. Both Colonels will be attending the Diversion Authority meeting.

Eric Dodds stated the Water Topics Overview Committee is meeting in Minot, North Dakota, on June 14 and June 15, 2016, to discuss the quick-take authority for Water Resource Districts. Sean Fredricks requested Managers attend the meeting to lend support for the statutory authority given to Water Resource Districts for important water projects.

Appointments to Diversion Authority, Land Management Committee and Finance Committee

It was moved by Manager Gust and seconded by Manager Loughheed to appoint the following individuals to serve in the designated capacities for the calendar year 2016 regarding the Metro Flood Diversion Project:

Rodger Olson	Diversion Authority Representative
	Land Management Committee Representative
	Finance Committee Representative Alternate

Mark Brodshaug

Diversion Authority Representative Alternate
Land Management Committee Alternate
Finance Committee Representative

Bills

It was moved by Manager Olson and seconded by Manager Lougheed to approve the payment of Checks #12732 through #12740, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Lougheed and Gust. Manager Jacobson was absent. The Chairman declared the motion passed.

Water Topics Overview Committee - communication to support quick-take

It was moved by Manager Olson and seconded by Manager Lougheed to authorize the Secretary-Treasurer to send communication to the Water Topics Overview Committee on behalf of the Cass County Water Resource Districts emphasizing the importance of quick-take to water development in the state. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Gust, seconded by Manager Lougheed and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer